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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 049,717	03 18 2002	Conny Svahn	66302-031-7	9716

7590 02 03 2003
Dykema Gossett
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Washington, DC 20005-3306

EXAMINER

LIN, KUANG Y

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 02 03 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,717

Applicant(s)

SVAHN ET AL

Examiner

Kuang Y Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant is advised that the abstract, which appears on the page of the PCT Gazette (or the front page of the pamphlet) of published international application number WO 01/17713 will be used as the abstract for this application.
2. Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims direct to "a yoke". However, they define the yoke in term of mould which is extraneous to the yoke. Also, it is not clear whether the yoke as claimed includes cores. If the claimed yoke does not include cores, then the yoke is defined in term of cores which are extraneous to the yoke. Further, in claim 13, line 6, it recites "**it** carries a coil". However, it is not clear what structure element carries a coil. In claim 14, line 3, it recites "**its** longitudinal direction". However, it is not clear what structural element is referred to.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 6, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 9-57,401.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 7-12, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 9-57,401.

The Japanese reference substantially shows the invention as claimed except that it does not shows to form poles element (6a, 6b, which is considered as an integral part of a partial yoke and core) as a structure formed of a partial yoke and core, and that it does not show to provide pivotal portions for moving the yoke out of way for mold maintenance. However, the mere fact that a given structure is integral does not preclude its consisting of various elements, *Nerwin v. Erlichman*, 168 USPQ 177, 179. With respect to the claimed feature of providing pivotal portions for the yoke, since the inventive concept of JP reference is to shorten the time for maintenance, it would have been obvious to provide JP '401 with any mounting structure which will expedite the mounting and dismounting of Japanese EM means.

8. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 9-57,401 and JP 63-203,256.

JP '401 substantially shows the invention as claimed except that the S and N poles are arranged along the casting direction. JP 63-203,256 substantially shows the invention as claimed except that the coil is wound on the cores and that the yoke is not separable from the cores. Since both arrangement of JP '401 and '256 shows to brake the molten metal flow, to orient the S and N poles of JP '401 transverse to the casting direction as shown in JP '256 is deemed to be nothing more than an obvious matter of design choice. It would also have been obvious to wind the coils JP '256 around the central portion, instead of around the cores portion, of the yoke and make the central portions detachable from the core portion to facilitate the maintenance work in view of JP '401. With respect to the claimed feature of making the partial portion of yoke and the core separable, the mere fact that a given structure is integral does not preclude its consisting of various elements. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

9. The patents to Eidingen et al, Hallefalt and Streubel et al are cited to further show the state of the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

January 28, 2003



KUANG Y. LIN
EXAMINER
GROUP 320

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